



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,578	09/14/2000	Gina C. Eubanks	SONY-50P3806	9174

7590 06/12/2006

Wagner Murabito & Hao LLP
Two North Market Street Third Floor
San Jose, CA 95113

EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

C

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/661,578
Filing Date: September 14, 2000
Appellant(s): EUBANKS, GINA C.

MAILED

JUN 12 2006

Technology Center 2100

William A. Zarbis
Reg. No. 46,120

For Appellant

EXAMINER'S ANSWER

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

This is in response to the appeal brief filed 3/15/2006 appealing from the Office action mailed 11/2/2006.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,341,353	HERMAN ET AL	1-2002
6,836,799	PHILYAW ET AL	12-2004

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herman et al., US pat. No.6,341,353 (hereafter Herman) in view of Philyaw et al., U.S. pat. No.6,836,799 (hereafter Philyaw).

As to claim 1, Herman discloses a computer-implemented method for facilitating a transaction between a subscriber (30 fig.2) and a vendor (70 fig.2) through an intermediary (Broker 40 fig.2), said method comprising the steps of:

receiving at said intermediary (40 fig.2) personal information from said subscriber to establish a user account and storing said personal information for subsequent access (using a registration form to identify user information, see fig.2, col.3 line 55 to col.4 line 38 and col.6 lines 2-31).

receiving at said intermediary a request from said subscriber to access (customer access) said user account, whereupon said subscriber's identity is verified by said intermediary against said personal information (validating users, see col.6 lines 32-63).

responsive to successful verification of said subscriber's identity (determining if the transaction of user is valid), said intermediary conducting a transaction with said

Art Unit: 2151

vendor on behalf of said subscriber pursuant to said subscriber's instruction, wherein said transaction is conducted utilizing information about said intermediary and notifying said subscriber upon completion of said transaction (issuing an OK or a rejection, see col.6 line 64 to col.7 line 67).

Herman does not specifically disclose that a transaction is completed without disclosing personal information about a subscriber to a vendor. However, Philyaw in the same network monitoring environment discloses that a transaction is completed without disclosing personal information about a subscriber to a vendor [transmitting only user ID (identifier ID 1304 fig.13) associated with a user to other network server/device instead of user information/ID associated with the user], see fig.13, col.12 line 27 to col.13 line 21 and col.14 lines 13-62). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Philyaw's teachings into the computer system of Herman to monitor user interactions in the network because it would have allowed a network administrator/manufacture to place an advertisement in magazine or to place a product on a shelf at a particular time and to obtain users' demographics information in a relatively short time (see Philyaw's col.14 line 63 to col.15 line 33).

As to claim 2, Herman discloses preparing an account activity statement for said subscriber, wherein said account activity statement includes information about transactions completed through said user account during a statement period

Art Unit: 2151

(implementing a Unit ID, Owner ID and Payload regarding user characteristics, price, revenue model and transactions, see fig.7, col.8 line 19 to col.9 line 58).

As to claim 3, Herman discloses receiving at said intermediary an item ordered from said vendor on behalf of said subscriber pursuant to said subscriber's instruction and billing said subscriber for services (processing customers' ID products) rendered (see fig.7, col.9 line 21 to col.10 line 54 and col.23 line 31 to col.24 line 53).

As to claims 4 and 5, Herman discloses notifying said subscriber upon receipt of said item and holding said item for pick-up by said subscriber and shipping said item to said subscriber specifying payment and shipping information (verifying payment and shipping information according to user preferences using the Trusted Agent Server, see fig.19, col.43 line 4 to col.44 line 64 and col.46 lines 11-60).

As to claims 6 and 7, Herman discloses receiving at said intermediary a post-delivery request from said subscriber, said post-delivery request relating to said item and handling said post-delivery request on behalf of said subscriber and consisting of a return request, a repair request, an exchange request, a warranty submission request and a rebate request (checking for warranty information, see fig.19, col.43 line 4 to col.44 line 64 and col.46 lines 11-60).

As to claim 8, Herman discloses maintaining at said intermediary rating information about said vendor and providing said rating information to said subscriber (see fig.19, col.43 line 4 to col.44 line 64 and col.46 lines 11-60).

As to claims 9 and 10, Herman discloses providing purchase financing to said subscriber in said transaction over the Internet (60 fig.2) (see fig.2, col.4 lines 7-61).

Claims 11-20 are rejected for the same reasons set forth in claims 1-10 respectively.
Claims 21-28 are rejected for the same reasons set forth in claims 1-7 and 10 respectively.

As to claim 29 and 30, Herman further discloses transaction comprising of purchasing an item and a financial transaction (using Storekeeper service including an inventory's list, sales log of transactions, see col.17 lines 24-64 and col.46 lines 11-60).

Response to Arguments

Appellant has chosen to group the claims into 2 groups for argument:

Group I: Claims 1, 11 and 21.

Group II: Claims 2-10, 12-20, 22-30.

Regarding Group I, pages 4-7 of the Appeal Brief are directed to these claims.

- Appellant argues that Herman does not disclose “the intermediary conducts a transaction with a vendor on behalf of the subscriber pursuant to the subscriber instruction utilizing an account of the intermediary without disclosing the personal information about the subscriber to the vendor”.

Firstly, Appellant is reminded that the claims’ limitations are rejected under 35 U.S.C 103(a) with the combination of two references (Herman in view of Philyaw), not only one reference (Herman) as in Appellant’s argument.

Secondly, Examiner respectfully points out that the combination of Herman and Philyaw discloses the Applicant’s claimed limitations. For example, Herman discloses a shopping online across the Internet comprising: receiving personal information at said intermediary (40 fig.2) from said subscriber to establish a user account and storing said personal information for subsequent access (using a registration form to identify user information, see fig.2, col.3 line 55 to col.4 line 38 and col.6 lines 2-31) and validating users upon customer’s access [see col.6 lines

32-63), determining if the transaction of user is valid and issuing an OK or a rejection for customer's transaction (see col.6 line 64 to col.7 line 67).

Herman does not specifically disclose a transaction is completed without disclosing personal information about a subscriber to a vendor. However, Philyaw in the same network monitoring environment discloses a transaction is completed without disclosing personal information about a subscriber to a vendor [transmitting user ID (1304 fig.13) associated with a user to other network server/device instead of user information, see fig.13, col.12 line 27 to col.13 line 21 and col.14 lines 13-62). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Philyaw's teachings into the computer system of Herman to monitor user interactions in the network because it would have allowed a network administrator/manufacture to place an advertisement in magazine or to place a product on a shelf at a particular time and to obtain users' demographics information in a relatively short time (see Philyaw's col.14 line 63 to col.15 line 33).

- Appellant argues that Philyaw does not disclose "without disclosing personal information about a subscriber to a vendor".

Examiner respectfully disagrees. Philyaw discloses the applicant's claimed invention. For example, after a user profile was created, storing user profile in a profile database (1302 fig.13) and using only a associated ID of the user profile when connecting to remote locations throughout a communication network. Specifically, Philyaw discloses transmitting only a user ID (1304 fig.13)

Art Unit: 2151

associated with a user profile to other network server/device instead of using user profile information again (happening during set up user ID). The program then can operate without requiring all the setup information at later time (see fig.13, col.12 line 27 to col.13 line 21 and col.14 lines 4-62). This is equivalent to what is claimed. Therefore, the claims are properly rejected.

As a result, the cited prior art do discloses a system and method for the intermediary and the vendor directly conducts the transaction with each other without disclosing the personal information about the subscriber, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

Regarding Group II, pages 7-8 of the Appeal Brief are directed to these claims.

There is no argument in the Group II (dependent claims 2-10, 12-20, 22-30) since the Appellant relies mostly on Group I (independent claims 1, 11 and 21). Therefore, claims 2-10, 12-20, 22-30 are rejected for the similar reasons set forth in claims 1, 11 and 21, and reasons set forth in the above rejection, supra.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

Khanh Dinh

Khanh Dinh
Primary Examiner
Art Unit 2151


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

Conferees:


PATRICE WINDER
PRIMARY EXAMINER